



AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

See attached Caption

THIRD PARTY SUMMONS IN A  
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

See attached Caption

Case Number: 08 CIV 2438 (PKL)  
[Related to 06 CIV 13371 (PKL)]

V. THIRD PARTY DEFENDANT

See attached Caption

To: Name and address of Third Party Defendant

GOODYEAR TIRE & RUBBER COMPANY  
1144 East Market Street  
Akron, Ohio 44316**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Kreindler & Kreindler, LLP  
100 Park Avenue, 18th Floor  
New York, New York 10017E. Stewart Jones, PLLC  
28 Second Street  
Troy, New York 12181DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)Kevin B. Pollak, Esq.  
Fabiani Cohen & Hall, LLP  
570 Lexington Avenue, 4th Floor  
New York, New York 10022

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

APR 23 2008

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>		DATE APRIL 29, 2008 - 2:50 PM
NAME OF SERVER JOE KOZMANSKY		TITLE PROCESS SERVER
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): SERVICE UPON GOOD YEAR TIRE & RUBBER COMPANY - SERVED TO BRENDA COZY, EXECUTIVE SECRETARY FOR GOOD YEAR TIRE & RUBBER COMPANY, AT SAME, 1144 E. MARKET STREET, AKRON, OHIO 44316.		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on	APRIL 30, 2008	Signature of Server JOE KOZMANSKY
Date		
ATTORNEY SERVICES OF NORTHEAST OHIO 221 Springside Drive Akron Ohio 44333 330-666-9800		
Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.